

# Exhibit B

---

Matulewicz & Associates, P.C.

ATTORNEYS AT LAW

521 S. Broadway St.  
McAllen, TX. 78501-4929

(956) 972-0330

TELECOPIER (956) 972-0353

e-mail: [anth@matulewicz.com](mailto:anth@matulewicz.com)

**Anthony Matulewicz**

ATTORNEY AT LAW

September 24, 2021

U.S. Citizenship and Immigration Services  
1717 Zoy Street  
Harlingen, Texas 78552

BENEFICIARY: **Martha Carolina Chavez Aguero**  
PETITIONER: **Elias Gonzalez Jr.**  
FILE: **IOE0909554233 / A088-946-828**  
FORM: **I-130**

Dear Sirs,

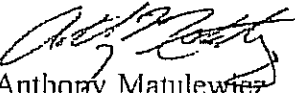
We are in response of your Notice to Intent to Deny dated August 30, 2021. In your letter basically after you mention what the law is, and how courts interpret that law, which those interpretation support our case you are determining that the I-130 is prohibited, your argument is "On October 30, 2019, the beneficiary was entered into removal proceedings based on providing fraudulent Divorce Decree between herself and ex-husband Anibal Ruiz Martinez and entering into a fraudulent marriage with her ex-husband, Joel E. Ribera in order to gain legal permanent resident status in violation of the Immigration Laws of the United States".

Our position is how is that relevant to the approval of the I-130 if the current marriage is Bona fide. In Matter of Tawfik, the director inferred that the marriage was not Bona fide based solely on a determination that the parties never resided together. It should be mentioned that the record in Tawfik did not support that determination. Here, the evidence is over whelming that their marriage is Bona fide. Both parties have been together since 2012. Not only that, but they have children together; Enclosed to this letter you will find the Birth Certificates and DNA test showing that children are from both parties as Exhibit "A". There is not one scintilla of evidence that shows anything to the contrary. The service is basing its assumption on the allegation that Beneficiary's first marriage was fraudulent. We are not commenting on that allegation. But, supposing, arguendo, that it is, that fact, again, arguendo is irrelevant. Also, the service alleges that beneficiary provided a fraudulent divorce. We look through the whole record and could not find any evidence that the divorce was fraudulent.

In summary the service analysis and stated case law clearly proof our point. Both parties have been together for more than 7 years. The have children together, as it is demonstrated in the attacked documents. And you have a statement from petitioner clearly explaining their relationship as Exhibit "B". There is no evidence on the record that the current marriage is fraudulent. To the contrary, even the more skeptical person will find this marriage legit.

Hope this clarifies any issues we will provide any other evidence the service may wish to examine.

Respectfully Submitted,



Anthony Matulewicz  
Attorney at Law

Enclosures: As Stated  
Cc: File

# **Exhibit “A”**



## CERTIFICATE OF BIRTH

STATE OF TEXAS

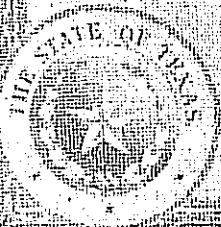
CERTIFICATE OF BIRTH

BIRTH NUMBER

1. Child's Name <b>CONSTANZA</b>		2. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>		3. Sex <b>FEMALE</b>	
4. Child's Name (Last, First, Middle) <b>EDGAR RODRIGUEZ</b>		5. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>		6. Sex <b>FEMALE</b>	
7. Child's Name (Last, First, Middle) <b>EDGAR RODRIGUEZ</b>		8. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>		9. Sex <b>FEMALE</b>	
10. Place of Birth (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
11. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
12. Sex <b>FEMALE</b>					
13. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
14. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
15. Sex <b>FEMALE</b>					
16. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
17. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
18. Sex <b>FEMALE</b>					
19. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
20. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
21. Sex <b>FEMALE</b>					
22. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
23. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
24. Sex <b>FEMALE</b>					
25. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
26. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
27. Sex <b>FEMALE</b>					
28. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
29. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
30. Sex <b>FEMALE</b>					
31. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
32. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
33. Sex <b>FEMALE</b>					
34. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
35. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
36. Sex <b>FEMALE</b>					
37. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
38. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
39. Sex <b>FEMALE</b>					
40. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
41. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
42. Sex <b>FEMALE</b>					
43. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
44. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
45. Sex <b>FEMALE</b>					
46. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
47. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
48. Sex <b>FEMALE</b>					
49. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
50. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
51. Sex <b>FEMALE</b>					
52. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
53. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
54. Sex <b>FEMALE</b>					
55. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
56. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
57. Sex <b>FEMALE</b>					
58. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
59. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
60. Sex <b>FEMALE</b>					
61. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
62. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
63. Sex <b>FEMALE</b>					
64. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
65. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
66. Sex <b>FEMALE</b>					
67. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
68. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
69. Sex <b>FEMALE</b>					
70. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
71. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
72. Sex <b>FEMALE</b>					
73. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
74. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
75. Sex <b>FEMALE</b>					
76. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
77. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
78. Sex <b>FEMALE</b>					
79. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
80. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
81. Sex <b>FEMALE</b>					
82. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
83. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
84. Sex <b>FEMALE</b>					
85. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
86. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
87. Sex <b>FEMALE</b>					
88. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
89. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
90. Sex <b>FEMALE</b>					
91. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
92. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
93. Sex <b>FEMALE</b>					
94. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
95. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
96. Sex <b>FEMALE</b>					
97. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					
98. Date of Birth (mm/dd/yyyy) <b>09/28/2019</b>					
99. Sex <b>FEMALE</b>					
100. Hospital Name (City, State, Country) <b>EDGAR RODRIGUEZ</b>					



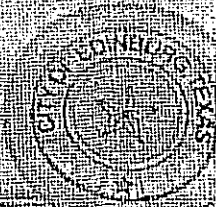
000000467



This is a true and correct copy of the record as contained in the State of Texas, issued under the authority of Section 101.031, Health and Safety Code.

ISSUED NOV 10 2019

WARNING: THIS DOCUMENT HAS A BLUE BACKGROUND AND IS A COPY OF THE ORIGINAL RECORD.







DNA Diagnostics Center

# DNA Test Report



DDC is accredited/certified by AABB, CAP, ISO/IEC 17025 by ANAB, CLIA &amp; NYSDOH.

Case 8926881 Name	CHILD CONSTANZA GONZALEZ CHAVEZ	Alleged FATHER ELIAS GONZALEZ JR
Race		Hispanic
Sample Type	Buccal	Buccal
Date Collected	9/8/2021	9/8/2021
Test No.	8926881-20	8926881-30
Locus	PI	Allele Sizes
D3S1358	2.25	15 17
VWA	0.95	16 17
D16S539	1.87	10 13
TPOX	1.45	8 11
D8S1179	3.08	10 15
D21S11	1.90	29 30
D18S51	1.65	16 17
D2S441	1.62	10 11
D19S433	2.29	13 14
TH01	1.82	6 9.3
FGA	2.93	20 23
D22S1045	1.48	15 16
D5S818	1.68	11 12
D13S317	2.24	11 12
D7S820	0.96	8 10
SE33	8.33	14 24.2
D10S1248	2.17	15 16
D1S1656	6.49	12 16.3
D2S1338	2.59	19 23
Amelogenin		X Y

Interpretation:

RN: 10321060

Combined Paternity Index: **1,800,733**Probability of Paternity: **99.9999%**

The alleged father is not excluded as the biological father of the tested child. Based on testing results obtained from analyses of the DNA loci listed, the probability of paternity is 99.9999%. This probability of paternity is calculated by comparing to an untested, unrelated, random individual of the Hispanic population (assumes prior probability equals 0.50).

Subscribed and sworn before me on September 13, 2021

I, the undersigned Laboratory Director, verify that the interpretation of the results is correct as reported on 9/13/2021.

Kari Ann Bowlie  
Notary Public, State of Ohio  
My Commission Expires May 9, 2026

Priya Kumar, Ph.D.

End of Report



# CITY OF EDINBURG STATE OF TEXAS

STATE OF TEXAS		CERTIFICATE OF BIRTH		BIRTH NUMBER	
1. Child's Name First: ELISA Middle: GONZALEZ CHAVEZ Last: CHAVEZ		2. Date of Birth (mm/dd/yyyy): 12/19/2015		3. Sex: FEMALE	
4a. Place of Birth - County: HIDALGO		4b. City or Town (if outside city limits, give precinct no.): EDINBURG		5. Time of Birth: 05:45 PM	
6a. Place of Birth (Municipal, State, or Foreign): <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Foreign		6b. Hospital, Birth, or Other Location: DOCTORS HOSPITAL AT RENAISSANCE 1053317362		6c. Hospital, Birth, or Other Location: DOCTORS HOSPITAL AT RENAISSANCE 1053317362	
7a. Parent's Name, Title, and Mailing Address: FLOR LIMAS 1211 N RAUL LONGORIA SAN JUAN TEXAS 78589		7b. Signature and Title: AUDREY RODRIGUEZ		7c. Date Signed: 12/17/2015	
8a. <input type="checkbox"/> MU <input type="checkbox"/> DO <input type="checkbox"/> CHA <input type="checkbox"/> MEX <input type="checkbox"/> Other (Specify):		8b. <input type="checkbox"/> Alteration <input type="checkbox"/> Family Administrator/Designated <input type="checkbox"/> Other (Specify):		8c. <input type="checkbox"/> Alteration <input type="checkbox"/> Family Administrator/Designated <input type="checkbox"/> Other (Specify):	
9a. Mother's Name Prior to First Marriage: MARTHA CAROLINA CHAVEZ AGUERO		9b. Date of Birth (mm/dd/yyyy): 05/08/1982		9c. Birthplace (State, Territory or Foreign Country): MEXICO	
10a. Hospital - State: TEXAS		10b. County: HIDALGO		10c. City, Town or Locality: PHARR	
10d. Street Address or Rural Location: 1508 MARBLERD		10e. Zip Code: 78577		10f. Inside City Limits: <input type="checkbox"/> Yes <input type="checkbox"/> No	
11a. Father's Name Prior to First Marriage:		11b. Date of Birth (mm/dd/yyyy):		11c. Birthplace (State, Territory or Foreign Country):	
12a. Local File Number: 039251		12b. Date Received by Local Registrar: 12/21/2015		12c. Signature of Local Registrar: <i>[Signature]</i>	

VS-111-2 REV. 01/05 WARNING: THE PENALTY FOR KNOWINGLY MAKING A FALSE STATEMENT ON THIS FORM CAN BE 3-10 YEARS IN PRISON AND A FINE OF UP TO \$5,000. 304250

800464



This is to certify that this is a true and correct reproduction of the original record as recorded in this office.  
Issued under authority of Section 191.051, Health and Safety Code.

ISSUED JAN 19 2016

*[Signature]*

Veronica Gutierrez-Regencia  
Health and Safety Code  
Vital Statistics Section



THIS IS A COPY OF THE ORIGINAL RECORD. IT IS NOT A COPY OF THE ORIGINAL RECORD. IT IS NOT A COPY OF THE ORIGINAL RECORD.





DNA Diagnostics Center

# DNA Test Report



DDC is accredited/certified by AABB, CAP, ISO/IEC 17025 by ANAB, CLIA & NYSDOH.

Case 8926881 Name	CHILD ELISA GONZALEZ CHAVEZ	Alleged FATHER ELIAS GONZALEZ JR
Race		Hispanic
Sample Type	Buccal	Buccal
Date Collected	9/8/2021	9/8/2021
Test No.	8926881-21	8926881-30
Locus	PI	Allele Sizes
D3S1358	0.66	14 15
vWA	2.54	17 18
D16S539	1.87	12 13
CSF1PO	1.39	11 12
TPOX	1.89	11 12
D8S1179	3.08	10 12
D21S11	1.90	29 30
D18S51	1.65	12 17
D2S441	1.62	10 11
D19S433	2.29	13 14
TH01	2.15	6 9.3
D22S1045	1.33	15 16
D5S818	1.68	11 12
D13S317	2.10	11 12
D7S820	0.96	8 10
SE33	50.25	14.2 20
D10S1248	1.08	14 15
D1S1656	3.25	12 15
D2S1338	2.59	19 23
Amelogenin		X Y

Interpretation:

RN: 10321061

Combined Paternity Index: **1,301,192**

Probability of Paternity: **99.9999%**

The alleged father is not excluded as the biological father of the tested child. Based on testing results obtained from analyses of the DNA loci listed, the probability of paternity is 99.9999%. This probability of paternity is calculated by comparing to an untested, unrelated, random individual of the Hispanic population (assumes prior probability equals 0.50).

Subscribed and sworn before me on September 13, 2021

I, the undersigned Laboratory Director, verify that the interpretation of the results is correct as reported on 9/13/2021.

*Kari Ann Bowlin*

Kari Ann Bowlin  
Notary Public, State of Ohio  
My Commission Expires May 9, 2026

Priya Kumar, Ph.D.

*Priya*

End of Report



# **Exhibit “B”**

---

AFFIDAVIT

STATE OF TEXAS

§  
§  
§  
§

COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who swore on oath that the following statements are true.

"My name is Elias Gonzalez Jr. Citizen of the United States. I am over 18 years of age, of sound mind, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct".

1. I am the Petitioner in this case.
2. I met my wife, Martha Carolina Chavez, thru a mutual friend, Rosana Haro, in mid-2012.
3. We started dating in 2012 and three months later we moved to Pueblo de Paz Apartments at 3401 N. Mayberry Rd. Mission, TX 78573. We lived in common-law from 2012 to 2013 with her two children Jaira de Jesus Figueroa Chavez DOB: 11/12/2004 and Jair de Jesus Figueroa Chavez DOB: 12/17/2006 both citizens of the United States.
4. We moved to 4311 Canadian Ln Mission, TX 78572 as a family. Since 2012 I have been my wife's children caregiver. We lived at this address from 2013 to 2014. I am currently the owner of Rushline Trucking, LLC a transportation Company and travel very often.
5. On or about 2014 we moved to 1517 New Orleans Cir Pharr, TX 78577 and lived there until 2016. We had our first child, Elisa Gonzalez Chavez DOB: 12/13/2015. My daughter was born at the Renaissance Hospital in Edinburg, TX. I was traveling out of State and was not able to be with my wife during the registration to include my last name to the Birth Certificate, ~~this was an oversight~~ on my part. However, she is my daughter, and I am enclosing a DNA Test proving that.
6. We got married on January 27, 2019 at 1906 Sebastian St. Mission, TX 78572 by Judge Silvia Rocha.

7. From 2016 to August of 2019, we moved to 2406 N. Carnation Ln Pharr, TX 78577 and my wife was pregnant to our second child.
8. On or about August of 2019, we moved to our current address, 13542 N. Los Ebanos Rd Mission, TX 78573.
9. On September 28, 2019, our second daughter was born, Constanza Gonzalez Chavez. She was born at the Renaissance Hospital in Edinburg, TX.
10. My Marriage is in good faith. I have two daughters with my wife. We have lived together for more than 8 years. To suggest that our Marriage is not bone fine is offensive.

"I declare under PENALTY OF PERJURY that the information provided in this affidavit is true and correct to the best of my knowledge."

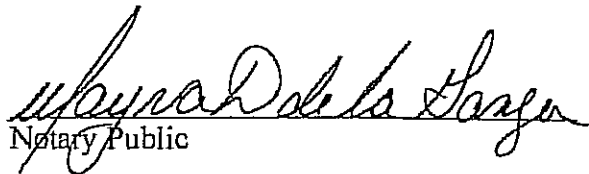
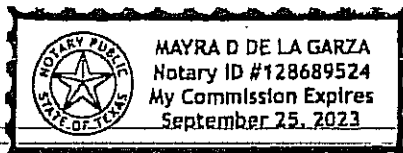


\_\_\_\_\_  
Elias Gonzalez, Jr.



\_\_\_\_\_  
Date

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 8th day of September 2021.

  
Notary Public

\_\_\_\_\_  
Date



